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DEC 27 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Atty Docket No. SWA-001US1)

In Re Application of:	Alaoui-Jamali et al.	Group:	1635
Serial No.:	10/069,386	Examiner:	Whiteman, B.
Filed:	September 12, 2002		
Entitled:	REPLICATION PROTEIN A BINDING TRANSCRIPTIONAL FACTOR (RBT1) AND USES THEREOF		

DECLARATION PURSUANT TO 37 C.F.R. §1.132

Hon. Assistant Commissioner for Patents:

I, Moulay Alaoui-Jamali, hereby declare as follows:

1. I currently hold the position of Professor at McGill University (Montréal, CA). I am a named co-inventor on the above-identified application.
2. I have read the Examiner's rejection of the currently pending claims 2 and 4 under 35 U.S.C. § 112 first paragraph (as found in the Office Action mailed from the United States Patent and Trademark Office (USPTO) on July 22, 2005), in which the Examiner states that the claims fails to comply with the written description requirement on the ground that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner alleges that the limitation 'isolated or recombinant nucleotide sequence being from a human species is not supported by the specification as filed. In particular, the Examiner states that the application does not disclose that SEQ ID NO:1 is from a human species.
3. I provide herewith statements to the effects that SEQ ID NO:1 is indeed from a human species, that this can be inferred from the disclosure and that I, and my co-

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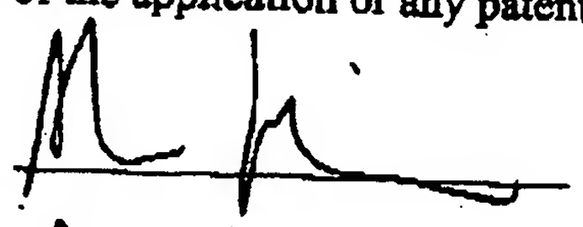
inventor, were in possession of this information at the time the application was filed.

4. More specifically, I submit that by using a yeast two-hybrid system, we, the inventors, have screened a human osteosarcoma cDNA library for polypeptides capable of binding to the human RPA32 polypeptide. As a result, the human RTB1 gene was cloned and sequenced. These facts are clearly established from our paper published in "Nucleic Acid Research" (Cho et al., reference C9 of PTO-1449 form initialized by the Examiner on July 10, 2004). While this paper was published after the filing date of the application, we, the inventors, were in possession of the human sequences before the filing date of the application (August 17, 2000). In fact the Cho et al. paper was received by the journal on June 7, 2000 and revised and accepted on July 27, 2000. The above described facts thereby clearly establish that we, the inventors, were in possession of the invention at the time of filing the application and that SEQ ID NO:1 and 2 are of human origin.

5. The human nucleotide and amino acid sequences are shown in SEQ ID NO:1 and 2 respectively of the application. A probe was derived from that human nucleotide sequence to study the expression of the gene in human cell lines H661 and NHBEC as described at page 7, first paragraph of the disclosure, clearly indicating that the human sequence was available to the inventors at the time of filing the application.

6. I hereby further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed: 

Dated: December 15, 2005